

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.:	7,264,801 B2	Docket:	11669.139USII
Issue Date:	SEPTEMBER 4, 2007	Patentee:	FERRARA ET AL.
Title:	EG-VEGF NUCLEIC ACIDS AND POLYPEPTIDES AND METHOD OF USE		

REQUEST FOR CERTIFICATE OF CORRECTION

Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

23552

PATENT TRADEMARK OFFICE

Sir:

It is requested that a Certificate of Correction be issued correcting printing errors appearing in the above-identified United States patent. One copy of the text of the Certificate in the suggested form is enclosed.

As none of the errors listed is due to Applicant's mistake, no fee is necessary in connection with this Certificate. The error is in the Notice of the Patent Term Adjustment. A copy of the decision from the Office of Petitions indicating that the Patent Term Adjustment is 39 days is enclosed.

Issuance of the Certificate of Correction would neither expand nor contract the scope of the claims, and re-examination is not required.

Respectfully submitted,

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(612) 332-5300

Date:

January 7, 2008



Eric E. DeMaster
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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,264,801 B2

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DATED : SEPTEMBER 4, 2007

INVENTOR(S) : FERRARA ET AL.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Front page, (*) Notice: "Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 93 days." should read --
Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 39 days--.

MAILING ADDRESS OF SENDER:

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PATENT NO. 7,264,801 B2

Docket No. 11669.139/US11

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JUN 25 2007

OFFICE OF PETITIONS

In re Application of :
Ferrara et al. : DECISION ON APPLICATION
Application No. 10/027,603 : FOR
Filed: December 19, 2001 : PATENT TERM ADJUSTMENT
Atty Docket No. GENENT.1516CP1:

This is a decision on the "REQUEST FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d)" filed March 9, 2007. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from zero (0) days to thirty-nine (39) days.

The application for patent term adjustment is GRANTED.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is thirty-nine (39) days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On December 13, 2006, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is 0 days. On March 9, 2007, applicants timely¹ submitted an application for patent term adjustment (with required fee). Applicants assert that the Office erred in entering a period of reduction of 76 days for applicant delay stemming from a Notice to File Missing Parts mailed by the Office on February 7, 2002.

¹ PALM records indicate that the Issue Fee payment was received on March 12, 2007.

Applicants submit that the present application is not subject to a terminal disclaimer.


A review of the record reveals that the reduction of 76 days is not warranted. By Notice mailed May 31, 2002, the Notice mailed February 7, 2002 was withdrawn as mailed in error² and a new Notice mailed. On July 22, 2002, within the three-month period set forth in 37 CFR 1.704(b), applicants filed a response to the Notice mailed May 31, 2002. Applicants did not fail to engage in reasonable efforts to conclude prosecution of the application by delaying in replying to either the Notice mailed February 7, 2002 or the Notice mailed May 31, 2002. Accordingly, the period of reduction of 76 days has been removed.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the Notice of Allowance is thirty-nine (39) days.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The Office of Patent Publication has been advised of this decision. The application is being forwarded to the Publications Division for issuance of a patent.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Patents Attorney
Office of Petitions

Enclosure: Copy of Revised PAIR Screen

² It is noted that, prior to the withdrawal of the Notice, on May 6, 2002 applicants filed a response.